

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JUAN MARTINEZ,

No. C 08-3985 MHP (pr)

Petitioner,

ORDER OF TRANSFER

v.

BEN CURRY, warden,

Respondent.

Juan Martinez, an inmate at the Correctional Training Facility in Soledad, has filed a petition for writ of habeas corpus to challenge the sentence imposed upon his conviction in the San Bernardino County Superior Court. As Exhibits A and G to the petition show, Martinez's challenge is to the imposition of the sentence by the state court, and not the execution of the sentence by prison officials. San Bernardino County lies within the venue of the Central District of California. Martinez is currently in custody in Monterey County, within the venue of the Northern District of California. Venue is proper in a habeas action in either the district of confinement or the district of conviction, 28 U.S.C. § 2241(d); however, a petition challenging a conviction or sentence is preferably heard in the district of conviction. Habeas L.R. 2254-3(b). Because the conviction occurred in the Central District of California, pursuant to 28 U.S.C. § 1404(a) and Habeas L.R. 2254-3(b), and in the interest of justice, this action is TRANSFERRED to the United States District Court for the Central District of California. The clerk shall transfer this matter.

IT IS SO ORDERED.

DATED: September 2, 2008


Marilyn Hall Patel
United States District Judge